

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	
v.	:	
	:	
<b>GUSTAVO MORALES ORTIZ</b>	:	<b>No. 11-143-1</b>

**ORDER**

**AND NOW**, this 30th day of September, 2015, upon consideration of the Defendant's Pro Se Motion for a Reduction of Sentence pursuant to 18 U.S. C. §3582(c)(2) and Amendment 782 to the Sentencing Guidelines (Doc. No. 53), and the Government's Response (Doc. No. 55) thereto, it is hereby **ORDERED** that the Motion (Doc. No. 53) is **DENIED** for the reasons set forth in the Government's Response, particularly, because Mr. Ortiz's sentence was imposed pursuant to a statutorily mandated minimum sentence of 120 months and not a "guideline sentence" to which Amendment 782 may apply. It is further **ORDERED** that Mr. Ortiz's Motion to Dismiss Indictment Conviction and Sentence For of Exclusive Legislative And Subject Matter Jurisdiction Pursuant to Rule 12(b)(1) Federal Rules of Civil Procedure (Doc. No. 55) is **DENIED**.

BY THE COURT:

/s/ Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge